

memorandum

Rocky Flats Office



000020790

DATE OCT 19 1992
 REPLY TO
 ATTN OF ERD BKT 12085
 SUBJECT Spiranthes Diluvialis Survey

TO J M. Kersh, Associate General Manager
 Environmental and Waste Management
 EG&G Rocky Flats, Inc.

Robert Benedetti, Acting Associate General Manager
 Environmental Restoration Management
 EG&G Rocky Flats, Inc

The survey for Spiranthes Diluvialis was conducted at the RFP in late July and August 1992 in compliance with the Endangered Species Act (ESA) and its implementing regulations. However, DOE/RFO has not yet received the results of the survey. We request that EG&G transmit the results of the survey by November 1, 1992 or, if possible, sooner so that consultation can be initiated with the U S Fish and Wildlife Service (FWS) under the ESA. This is critical as several projects, including intrusive activities at OU's 5 and 6, need to be initiated by the end of October 1992, in order to meet their critical paths for completion. For OU's 5 and 6, a delay of the critical path will result in missing IAG milestones for the Draft Phase I RFI/RI Reports due to EPA and CDH.

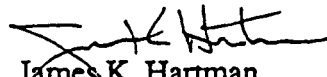
Please note that the reports for Spiranthes and the Preble's Meadow Jumping Mouse should be transmitted as separate documents. Also, the report for the Spiranthes survey should not include any references to refugia or transplantation since 1) no Spiranthes were found at the RFP and, 2) the FWS does not have a policy in place for the transplanting of threatened or endangered plants.

As stated in DOE/RFO memorandum ERD-BKT 6886, dated June 24, 1992, if activities potentially destructive to Spiranthes are located in areas where the habitat is not suitable for the plant, actions may proceed immediately subject to satisfaction of NEPA requirements and any other appropriate programmatic approvals. However, if activities are located in areas where the habitat is potentially suitable or where there is prime habitat for Spiranthes, actions may proceed only after consultation with the FWS has been completed or 90 days after their receipt of the consultation package from DOE/RFO.

ADMIN RECORD

OCT 19 '92

Note that DOE/RFO memorandum ERD BKT 2613, dated March 13, 1992, discussed consequences of non-compliance with the ESA and other biologically oriented statutes and regulations. While the actions that EG&G has taken regarding *Spiranthes* during the summer of 1992 have been in compliance with the ESA, delays in transmitting the consultation package to the FWS may result in non-compliance with other agreements including the RFP IAG. It is DOE/RFO's objective to comply with all applicable statutes and regulations in a manner that meets milestones required by the RFP IAG and other legally binding commitments.



James K. Hartman
Assistant Manager
for Environmental Management

cc
F Lockhart, ERD, RFO
R. Schassburger, ERD, RFO
B Thatcher, ERD, RFO
B Birk, ERD, RFO
J. Pepe, ERD, RFO
R Flory, EG&G
W Busby, EG&G